

IN RE: PETITION FOR VARIANCE
NE/Corner Dalton Drive and
Pacebrook Court
(6609 Dalton Drive)
3rd Election District
2nd Councilmanic District

Jerry R. Brown, Sr., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-237-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 6609 Dalton Drive, located in the vicinity of Reisterstown Plaza, near the Baltimore City/Baltimore County line. The Petition was filed by the owners of the property, Jerry R. Brown, Sr., and his wife, Janet S. Brown. The Petitioners seek relief from Section 431 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a commercial vehicle weighing more than 10,000 lbs. to be stored on property zoned D.R. 5.5. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Jerry and Janet Brown, property owners. There were no Protestants present; however, it is to be noted that a letter of opposition signed by an anonymous writer on behalf of the Patterson Avenue Community Residents was received and has been included in the case file as a part of the record.

Testimony and evidence offered revealed that the subject property consists of 7,950 sq.ft., more or less, zoned D.R. 5.5, and is improved with a one and one-half story single family dwelling. The property is located on the northwest corner of Dalton Drive and Pacebrook Court in the subdivision known as Pacebrook. The Petitioner comes before me seeking

ORDER RECEIVED FOR FILING

FILED

BY

MICROFILMED

relief as set forth above to permit the continued storage of a tractor in his rear yard. Mr. Brown testified that he has owned the subject property for the past 11 years. He testified that he owns a tractor which he uses in his profession as an owner/operator truck driver and that he has parked this tractor in his rear yard for the past eight (8) years. Testimony indicated that recent legislation prohibits parking tractors on residential streets. Thus, Mr. Brown had his driveway remodeled to accommodate the weight of his tractor, which exceeds the maximum allowed weight of 10,000 lbs., pursuant to the zoning regulations. Further testimony revealed that Mr. Brown only stores his tractor on the property and at no time are any trailers or containers brought to the site. Mr. Brown testified that he has spoken with his neighbors on many occasions to insure that they have no objections to his tractor and that he has made an effort to be considerate of them when leaving and returning home with his truck. A photograph of the property and the tractor in question show that both are well-maintained and neat in appearance.

It should also be noted that there were no adverse comments by any Baltimore County reviewing agency. In fact, the Office of Planning and Zoning noted in their comment, dated December 28, 1995, that in the absence of substantive opposition to this request, the granting of a variance would not be inappropriate, provided that the use does not pose a traffic safety problem, does not disturb the peaceful enjoyment of the neighbors, and does not detract from the aesthetic quality of the neighborhood.

Based upon the testimony and evidence offered at the hearing, and the lack of appearance of any resident from the surrounding community, and particularly, an adjoining property owner who would be most affected by this variance, the relief requested should be granted. There was no

ORDER RECEIVED FOR FILING
Date 2/2/96
By [Signature]

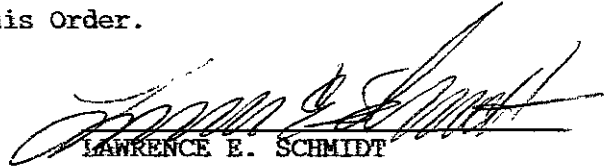
MICROFILMED

evidence to indicate that the storage of the Petitioner's tractor on his property has been detrimental to the community, or adversely affected the health, safety or general welfare of the surrounding locale. Inasmuch as the Petitioner has stored this tractor on his property for 8 years without prior complaint, it appears that the granting of the relief requested is appropriate in this instance.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of February, 1996 that the Petition for Variance seeking relief from Section 431 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a commercial vehicle weighing more than 10,000 lbs. to be stored on property zoned D.R. 5.5, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that a thirty (30) day appeal period runs from the date of this Order. If an appeal is filed and for whatever reason this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted is limited to the Petitioner's storage of a tractor, in the rear yard of his property. The Petitioner is prohibited from storing any trailers or containers on his property.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 2/2/96
By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

February 2, 1996

Mr. & Mrs. Jerry R. Brown, Sr.
6609 Dalton Drive
Baltimore, Maryland 21207

RE: PETITION FOR VARIANCE
NE/Corner Dalton Drive and Pacebrook Court
(6609 Dalton Drive)
3rd Election District - 2nd Councilmanic District
Jerry R. Brown, Sr., et ux - Petitioners
Case No. 96-237-A

Dear Mr. & Mrs. Brown:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File

A large, handwritten checkmark is drawn over the word "File".

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 0009 Dalton Dr. Baltimore, MD. 21207

which is presently zoned DR5.5

This Petition shall be filed with the Department of Permits & Development Management

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

431 TO PERMIT A COMMERCIAL VEHICLE ON A RESIDENTIAL LOT, THAT WEIGHS MORE THAN 10,000 LBS. (A TRACTOR)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

The law recently dis allows truckers to park their tractors on the street.. To comply, I had my driveway redone to accommodate the weight of my tractor, at a cost of 6800.00. I have lived in this neighborhood for 10 1/2 years; I have always done my best not to be a problem for any one and to not take away from the beauty of my community. I am the sole suporter of my wife and two sons. I am on the road at least 4 nights a week; I make sure to

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s)

Jerry R. Brown sr.

(Type or Print Name)

Signature

Janet S. Brown

(Type or Print Name)

Signature

0009 Dalton Dr. Balto. MD.

Address

Phone No

Baltimore

MD

21207

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink
on Recycled Paper

Revised 9/5/95

MICROFILMED

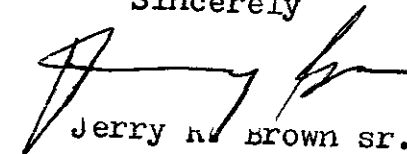
239

Continuation of reason for variance:

leave at a hours and return at a hour that is not offensive to my immediate neighbors. From time to time I check with my neighbors to make sure things are fine. Along with the normal growth in the cost of living, the constant increasing cost to operate and maintenance; if I am force to pay for parking rental too, I would be put in a financial strain. As stated the cost to redo my driveway was 6800.00, which I will be making payments on for the next two years. The average parking fees are approx. 100.00-300.00 per month, and I don't have the money to pay for both driveway and parking. By allowing me to park my tractor in my yard, you will allow me to continue to be a productive citizen and a dedicated husband and father. Also, in order to pay for parking I would have to put in more hours on the road, which would be a safety hazard to myself; as well as, other drivers.

I greatly appreciate your time and consideration in this matter.

Sincerely



Jerry R. Brown Sr.

MICROFILMED

23C

SCHEDULE "A"

BEGINNING FOR THE SAME ON THE EAST SIDE OF DALTON DRIVE 50 FEET WIDE AS SHOWN ON THE PLAT OF PACEBROOK, WHICH SAID PLAT IS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK G.I.B. NO. 22, FOLIO 52, SAID POINT BEING ON A DIVISION LINE OF LOTS NO. 8 AND 9 BLOCK C. AS SHOWN ON SAID PLAT; THENCE FROM SAID POINT OF BEGINNING, RUNNING AND BINDING ON SAID DIVISION LINE, NORTH 60 DEGREES 53 MINUTES 10 SECONDS EAST A DISTANCE OF 115 FEET, THENCE RUNNING AND BINDING ON THE DIVISION LINE OF LOTS NOS. 7 AND 8, BLOCK C, AS SHOWN ON SAID PLAT, SOUTH 15 DEGREES 8 MINUTES 00 SECONDS EAST A DISTANCE OF 71.43 FEET TO THE NORTH SIDE OF SAID PACEBROOK COURT WITH A RADIUS OF 45 FEET; THENCE RUNNING AND BINDING ON SAID NORTH SIDE OF PACEBROOK COURT ON A CURVE TO THE LEFT WITH A RADIUS OF 45 FEET, A DISTANCE OF 38.27 FEET, THENCE ALSO BINDING ON THE NORTH SIDE OF PACEBROOK COURT ON A CURVE TO THE RIGHT WITH A RADIUS OF 50 FEET; A DISTANCE OF 33.04 FEET, THENCE SOUTH 64 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 15.84 FEET, THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 15 FEET, A DISTANCE OF 22.75 FEET TO THE SAID EAST SIDE OF DALTON DRIVE; THENCE RUNNING AND BINDING ON THE SAID EAST SIDE OF DALTON DRIVE, NORTH 29 DEGREES 06 MINUTES 50 SECONDS WEST, A DISTANCE OF 69 FEET TO THE PLACE OF BEGINNING. BEING LOT NO. 8, BLOCK C, AS SHOWN ON SAID PLAT OF "PACEBROOK", WHICH PLAT IS RECORDED AS AFORESAID. THE IMPROVEMENTS ON SAID LOT OF GROUND BEING KNOWN AS NO. 6609 DALTON DRIVE.

RECORDED

22-612

CASE NUMBER: 96 237-(Item 236)

6609 Dalton Drive

NEC Dalton Drive and Pacebrook Court

3rd Election District - 2nd Councilmanic

Legal Owner: Jerry M. Brown and Janet S. Brown

Variance to permit a commercial vehicle on a residential lot, that weighs more than 10,000 pounds.

1/4 1/2 1/4 1/2

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BALTIMORE COUNTY, MARYLAND
OFFICE OF FIN. & REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

011176

item 236

DATE

7 Dec 95

ACCOUNT

R-001-4150

CAM

AMOUNT

\$ 85.00

RECEIVED
FROM:

Brown

FOR:

R.V. - 6609 Dalton Drive

MICROFILMED

RECEIVED
PA 001176-01 2-07-95

001176

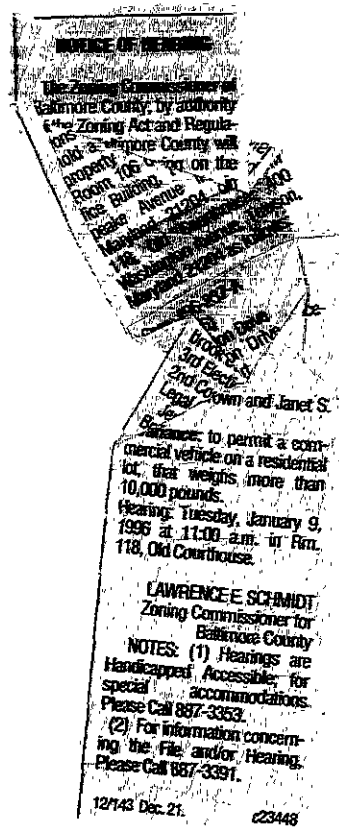
VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER



CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/22, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/21, 1995.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

Publisher

MICROFILMED

3rd District

Posting

94-237-

Varianco

Larry & Janet Brown

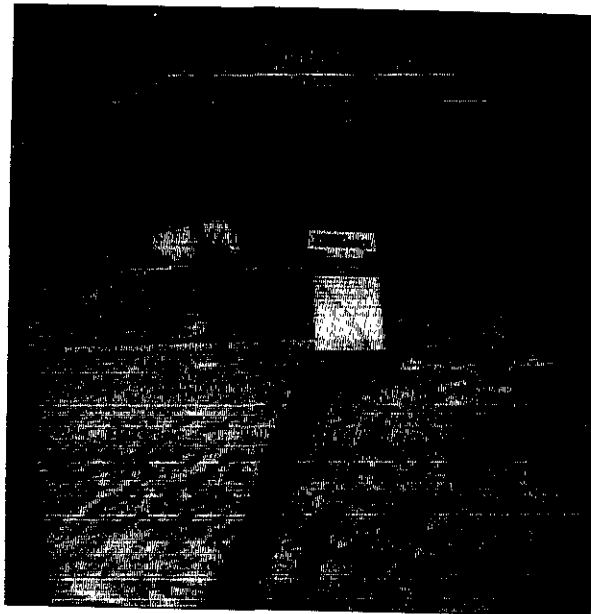
Posted - 12/22/95

6609 Dalton Drive, Long Beach, CA

Facing roadway on property being zoned

Sign 1

W. Pealy



12/29/95

94-237



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 236 Petitioner: Terry and Janet Brown
Location: 6609 Dalton Dr. Baltimore, MD. 21207

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Janet Brown
ADDRESS: 6609 Dalton Dr. Balto. MD. 21207

PHONE NUMBER: 410.484.6957



Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

plat book # _____, folio # _____, lot # _____, section # _____

OWNER: _____



North

date: _____
prepared by: _____

Scale of Drawing: 1" = _____



Vicinity Map
scale: 1" = 1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1" = 200' scale map #: _____

Zoning: _____

Lot size: _____

acreage

square feet

SEWER: ☐

☐ public ☐ private

WATER: ☐

☐ yes ☐ no

Chesapeake Bay Critical Area: ☐

☐ yes ☐ no

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 15, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-237-(Item 236)
6609 Dalton Drive
NEC Dalton Drive and Pacebrook Court
3rd Election District - 2nd Councilmanic
Legal Owner: Jerry M. Brown and Janet S. Brown

Variance to permit a commercial vehicle on a residential lot, that weighs more than 10,000 pounds.

HEARING: TUESDAY, JANUARY 9, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in black ink, which appears to read "Arnold Jablon".

Arnold Jablon
Director

cc: Jerry R. Brown, Sr. and Janet S. Brown

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Permits and Licenses
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3900
Fax: (410) 887-2824

January 19, 1996

NOTICE OF REASSIGNMENT

CASE NUMBER: 96-237-A (Item 236)
6609 Dalton Drive
NEC Dalton Drive and Pacebrook Court
3rd Election District - 2nd Councilmanic
Legal Owner: Jerry M. Brown and Janet S. Brown

Variance to permit a commercial vehicle on a residential lot, that
weighs more than 10,000 pounds.

HEARING: THURSDAY, FEBRUARY 1, 1996 at 11:00 a.m. in Room 118, Old
Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

ARNOLD JABLON
DIRECTOR

cc: Jerry and Janet Brown

PLEASE NOTE, DUE TO THE AMOUNT OF SNOW NOW ON THE GROUND, THIS OFFICE
IS UNSURE AS TO THE FEASIBILITY OF REPOSTING THE PROPERTY. WE THEREFORE
ASK THAT THE PETITIONER USE A BLACK MARKER TO WRITE THE NEW HEARING
DATE ON THE SIGN. THANK YOU.

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

January 2, 1996

Mr. and Mrs. Jerry R. Brown, Sr.
6609 Dalton Drive
Baltimore, MD 21207

RE: Item No.: 236
Case No.: 96-237
Petitioner: J. R. Brown Sr., et ux

Dear Mr. Brown:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on December 7, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



Handwritten signature/initials

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

1/9/96
96-237A

TO: Arnold Jablon, Director, PDM
FROM: Arnold F. 'Pat' Keller, III, Director, PO
SUBJECT: 6609 Dalton Drive

DATE: December 28, 1995

INFORMATION:

Item Number: 236
Petitioner: Brown Property
Property Size: _____
Zoning: DR-5.5
Requested Action: Variance
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

This office has noticed a significant increase in the number of requests to permit commercial vehicles in excess of 10,000 lbs. on residential properties throughout the County. This phenomenon in all probability is directly related to the economy. While these uses are often viewed as commercial intrusions into residential neighborhoods, the public hearing process before the Zoning Commissioner provides an excellent opportunity for the presentation of relative facts, and, more importantly, a chance for the impacted communities members to express their points of view. In the absence of substantive opposition to such a request, the granting of a variance would not be inappropriate provided that the use does not pose a traffic safety problem, does not disturb the peaceful enjoyment of the neighbors, does not detract from the aesthetic quality of the neighborhood, and such use is clearly limited and restricted by the Zoning Commissioner.

Prepared by: Jeffrey W. Long
Division Chief: Pat Keller

PK/JL

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Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 12/22/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 18, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 232, 233, 234, 235, 236,
237, 238, 239, 240, 241 AND 242.

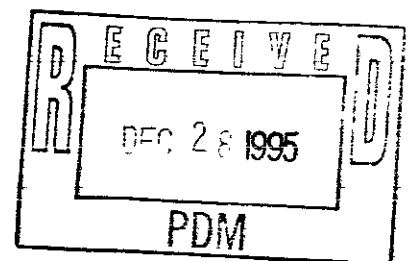
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REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Dec. 26, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for December 26, 1995
Items 232, 233, 234, 235, 236, 238, 239,
240, 241 and 242

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

MICROFILMED



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

12-18-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 236 (CAM)


Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

MICROFILMED

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE
6609 Dalton Drive, NEC Dalton Drive and
Pacebrook Court, 3rd Election District
2nd Councilmanic

Jerry and Janet Brown
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-237-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of January, 1996, a copy of the foregoing Entry of Appearance was mailed to Jerry and Janet Brown, 6609 Dalton Drive, Baltimore, MD 21207, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

MICROFILMED

96-15

12/19/96
8
TO FILE
ES

December 1995

Director
Permits & Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Parking of Tractor-Trailers
on Residential Driveways/Streets

Dear Director:

The parking of many tractor-trailers on Dalton Drive - Baltimore 21207, in the Patterson Avenue Community, has been an ongoing problem for years.

Residents of the community have exhausted all known recourses to have such vehicles removed from the neighborhood with minimal success. It is our understanding that parking tractor trailers in residential driveways and/or streets violates the zoning laws.

Reportedly, a variance has been requested by a resident (#96-237-A). Please consider the impositions on the community in terms of property value, desirability, pollution, noise and safety. The needs and rights of the community at large must come before the motives of a few residents intent violating or circumventing the law.

The law forbidding the parking of tractor trailers in residential areas must have addressed the rights and needs of the community. Therefore, granting a variance negates the purpose of the law and serves only to compromise the integrity of the community and may pave the way for more tractor-trailers or oversized vehicles.

Granting a variance sends a clear message that our community integrity, stability and desirability can be compromised by the very agencies created to assure that laws are enforced. **If granted, our entire community would be further victimized for the mere convenience of a few residents.**

Knowing that community blight starts with resident apathy and non enforcement of laws, we work hard to preserve our community. Please do not blight it by allowing tractor trailers to be parked on the streets or in driveways.

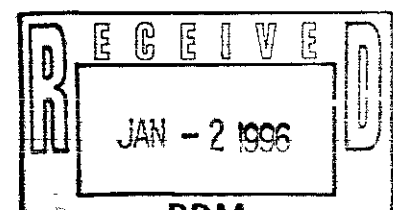
Give the Patterson Avenue community the same consideration you would if this was an issue in some of the counties more affluent areas. We need you support.

Thank you,

Anonymous*
Patterson Avenue Community Residents

*This plea is anonymous out of concern for the safety of the community residents.

RECEIVED



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Jerry & Janet Brown

6609 Dalton Dr. Balt. MD. 21207



Printed with Soybean Ink
on Recycled Paper

3-11-11



photograph

Case #96-237-A

MICROFILMED

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 6609 Dalton Drive

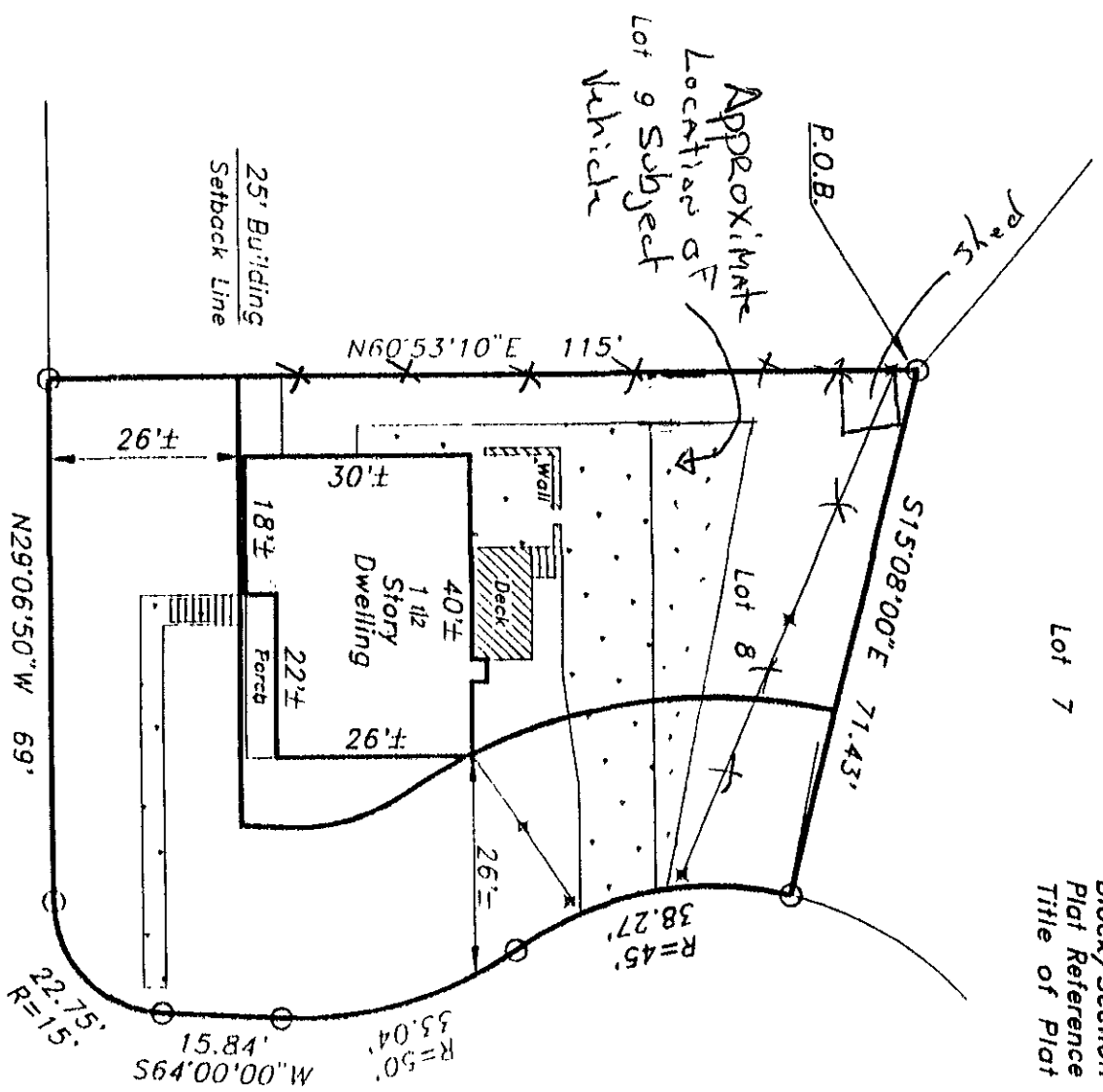
Subdivision name: PACEBROOK

plat book# 22, folio# 52, lot# 8, section# C

OWNER: Janet + Jerry Broun

see pages 5 & 6 of the C

Lot Number : 8
Block/Section : C
Plat Reference : Book : 22 Page : 52
Title of Plat : Subdivision Plat of Pacebrook



PACEBROOK COURT
50' RW

Property lies in Flood Zone C



LOCATION INFORMATION

Election District: 3
Councilmanic District: 2

T=200' scale map#: NW 5-E

Zoning: DR 5.5

Lot size: 7950.00
acreage square feet

SEWER: ☒ public ☐ private
WATER: ☒ ☐

Chesapeake Bay Critical Area: ☐ ☐
Prior Zoning Hearings: ☐ ☐

NONE KNOWN

Zoning Office USE ONLY!

reviewed by: AAH ITEM #: 236 CASE#:

MICROFILMED

North

date: prepared by: Scale of Drawing: 1" = 25'

IN RE: PETITION FOR VARIANCE
NE Corner Dalton Drive and
Pacebrook Court
(6609 Dalton Drive)
3rd Election District
2nd Councilmanic District
JERRY R. BROWN, Sr., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-237-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 6609 Dalton Drive, located in the vicinity of Reisterstown Plaza, near the Baltimore City/Baltimore County line. The Petition was filed by the owners of the property, Jerry R. Brown, Sr., and his wife, Janet S. Brown. The Petitioners seek relief from Section 431 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a commercial vehicle weighing more than 10,000 lbs. to be stored on property zoned D.R. 5.5. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Jerry and Janet Brown, property owners. There were no Protestants present; however, it is to be noted that a letter of opposition signed by an anonymous writer on behalf of the Patterson Avenue Community Residents was received and has been included in the case file as a part of the record.

Testimony and evidence offered revealed that the subject property consists of 7,950 sq. ft., more or less, zoned D.R. 5.5, and is improved with a one and one-half story single family dwelling. The property is located on the northwest corner of Dalton Drive and Pacebrook Court in the subdivision known as Pacebrook. The Petitioner comes before me seeking

relief as set forth above to permit the continued storage of a tractor in his rear yard. Mr. Brown testified that he has owned the subject property for the past 11 years. He testified that he owns a tractor which he uses in his profession as an owner/operator truck driver and that he has parked this tractor in his rear yard for the past eight (8) years. Testimony indicated that recent legislation prohibits parking tractors on residential streets. Thus, Mr. Brown had his driveway remodeled to accommodate the weight of his tractor, which exceeds the maximum allowed weight of 10,000 lbs., pursuant to the zoning regulations. Further testimony revealed that Mr. Brown only stores his tractor on the property and at no time are any trailers or containers brought to the site. Mr. Brown testified that he has spoken with his neighbors on many occasions to insure that they have no objections to his tractor and that he has made an effort to be considerate of them when leaving and returning home with his truck. A photograph of the property and the tractor in question show that both are well-maintained and neat in appearance.

It should also be noted that there were no adverse comments by any Baltimore County reviewing agency. In fact, the Office of Planning and Zoning noted in their comment, dated December 28, 1995, that in the absence of substantive opposition to this request, the granting of a variance would not be inappropriate, provided that the use does not pose a traffic safety problem, does not disturb the peaceful enjoyment of the neighbors, and does not detract from the aesthetic quality of the neighborhood.

Based upon the testimony and evidence offered at the hearing, and the lack of appearance of any resident from the surrounding community, and particularly, an adjoining property owner who would be most affected by this variance, the relief requested should be granted. There was no

evidence to indicate that the storage of the Petitioner's tractor on his property has been detrimental to the community, or adversely affected the health, safety or general welfare of the surrounding locale. Inasmuch as the Petitioner has stored this tractor on his property for 8 years without prior complaint, it appears that the granting of the relief requested is appropriate in this instance.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of February, 1996 that the Petition for Variance seeking relief from Section 431 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a commercial vehicle weighing more than 10,000 lbs. to be stored on property zoned D.R. 5.5, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that a thirty (30) day appeal period runs from the date of this Order. If an appeal is filed and for whatever reason this Order is reversed, the relief granted herein shall be rescinded.
- 2) The relief granted is limited to the Petitioner's storage of a tractor, in the rear yard of his property. The Petitioner is prohibited from storing any trailers or containers on his property.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

February 2, 1996

Mr. & Mrs. Jerry R. Brown, Sr.
6609 Dalton Drive
Baltimore, Maryland 21207

RE: PETITION FOR VARIANCE
NE Corner Dalton Drive and Pacebrook Court
(6609 Dalton Drive)
3rd Election District - 2nd Councilmanic District
JERRY R. BROWN, Sr., et ux - Petitioners
Case No. 96-237-A

Dear Mr. & Mrs. Brown:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

File

ORDER RECEIVED FOR FILING

Date 2/2/96
By LES

ORDER RECEIVED FOR FILING

Date 2/2/96
By LES

ORDER RECEIVED FOR FILING

Date 2/2/96
By LES

- 3 -

- 2 -



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6609 DALTON DR., BALTIMORE, MD. 21207

which is presently zoned D.R. 5.5

This Petition shall be filed with the Department of Permits & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

431 TO PERMIT A COMMERCIAL VEHICLE ON A RESIDENTIAL LOT THAT WEIGHS MORE THAN 10,000 LBS. (A TRACTOR)

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)
The law presently disallows tractors to park their tractors on the street. To comply, I had my driveway rezone to accommodate the weight of my tractor, at a cost of \$600.00. I have lived in this neighborhood for 10 1/2 years; at a cost of \$600.00. I have always been a problem for anyone and to not take away from the beauty of my community. I am the sole supporter of my wife and two sons. I am on the road at least 4 nights a week; I make sure to

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser(s):

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City State Zipcode

We, the undersigned, declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

JERRY R. BROWN SR.

(Type or Print Name)

Signature

JANET S. BROWN

(Type or Print Name)

6609 DALTON DR., BALTO, MD.

Address

Baltimore MD 21207

City

Name, Address and phone number of representative to be contacted

Name

Address

City State Zipcode

Phone No.

Office Use Only

ESTIMATED LENGTH OF HEARING

Not Following Date: _____ Next Two Months

ALL

RECEIVED BY: _____ DATE: _____

Continuation of reason for variance:

leave at a hours and return at a hour that is not offensive to my immediate neighbors. From time to time I check with my neighbors to make sure things are fine. Along with the normal growth in the cost of living, the constant increasing cost to operate and maintenance; if I am forced to pay for parking rental too, I would be put in a financial strain. As stated the cost to redo my driveway was \$600.00, which I will be making payments on for the next two years. The average parking fees are approx. 100.00-300.00 per month, and I don't have the money to pay for both driveway and parking. By allowing me to park my tractor in my yard, you will allow me to continue to be a productive citizen and a dedicated husband and father. Also, in order to pay for parking I would have to put in more hours on the road, which would be a safety hazard to myself, as well as, other drivers.

I greatly appreciate your time and consideration in this matter.

Sincerely,

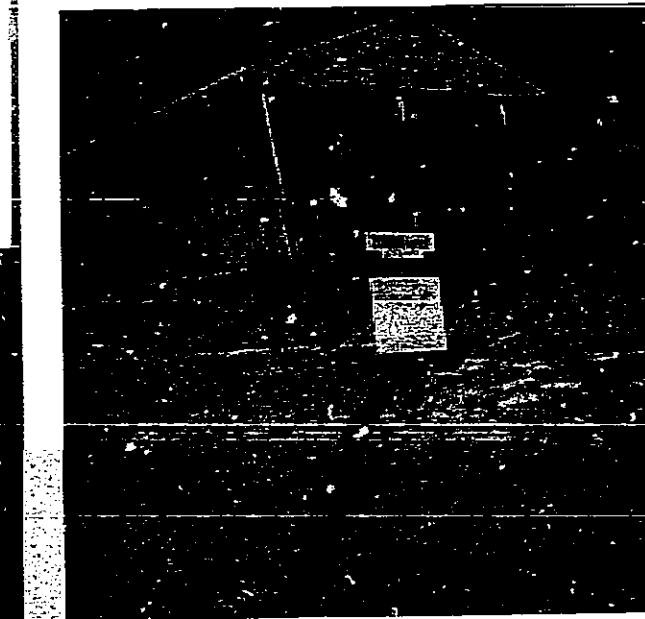
JERRY R. BROWN SR.

SCHEDULE "A"

BEGINNING FOR THE SAME ON THE EAST SIDE OF DALTON DRIVE 50 FEET WIDE AS SHOWN ON THE PLAT OF PACEBROOK, WHICH SAID PLAT IS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK G.L.B. NO. 22, FOLIO 52, SAID POINT BEING ON A DIVISION LINE OF LOTS NO. 8 AND 9 BLOCK C, AS SHOWN ON SAID PLAT; THENCE FROM SAID POINT OF BEGINNING, RUNNING AND BINDING ON SAID DIVISION LINE, NORTH 60 DEGREES 53 MINUTES 10 SECONDS EAST A DISTANCE OF 115 FEET, THENCE RUNNING AND BINDING ON THE DIVISION LINE OF LOTS NOS. 7 AND 8, BLOCK C, AS SHOWN ON SAID PLAT, SOUTH 15 DEGREES 8 MINUTES 00 SECONDS EAST A DISTANCE OF 71.43 FEET TO THE NORTH SIDE OF SAID PACEBROOK COURT WITH A RADIUS OF 45 FEET; THENCE RUNNING AND BINDING ON SAID NORTH SIDE OF PACEBROOK COURT ON A CURVE TO THE LEFT WITH A RADIUS OF 45 FEET, A DISTANCE OF 38.27 FEET, THENCE ALSO BINDING ON THE NORTH SIDE OF PACEBROOK COURT ON A CURVE TO THE RIGHT WITH A RADIUS OF 50 FEET; A DISTANCE OF 33.04 FEET, THENCE SOUTH 64 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 15.84 FEET, THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 15 FEET, A DISTANCE OF 22.75 FEET TO THE SAID EAST SIDE OF DALTON DRIVE; THENCE RUNNING AND BINDING ON THE SAID EAST SIDE OF DALTON DRIVE, NORTH 29 DEGREES 06 MINUTES 50 SECONDS WEST, A DISTANCE OF 69 FEET TO THE PLACE OF BEGINNING. BEING LOT NO. 8, BLOCK C, AS SHOWN ON SAID PLAT OF "PACEBROOK", WHICH PLAT IS RECORDED AS AFORESAID. THE IMPROVEMENTS ON SAID LOT OF GROUND BEING KNOWN AS NO. 6609 DALTON DRIVE.

CASE NUMBER: 96-237-(Item 235)
6609 Dalton Drive
NEC Dalton Drive and Pacebrook Court
3rd Election District - 2nd Councilmanic
Legal Owner: Jerry M. Brown and Janet S. Brown
Variance to permit a commercial vehicle on a residential lot, that weighs more than 10,000 pounds.

3rd District Post-Tag 96-237-
Variance
Jerry & Janet Brown
6609 Dalton Drive, Corp Pacebrook Ct
Filing roadwork on property being zoned
Signed: LES
1/17/96



96-237

230



Maryland Department of Transportation
State Highway Administration

David L. Winslead
Secretary
Nat Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 236 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2259 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE
6609 Dalton Drive, NEC Dalton Drive and
Facebook Court, 3rd Election District
2nd Councilmanic
Jerry and Janet Brown
Petitioners
* * * * *
* * * * *

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-237-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 587-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of January, 1996, a copy of the foregoing Entry of Appearance was mailed to Jerry and Janet Brown, 6609 Dalton Drive, Baltimore, MD 21207, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

December 1995

Director
Permits & Development Management
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Parking of Tractor-Trailers
on Residential Driveways/Streets

Dear Director:

The parking of many tractor-trailers on Dalton Drive - Baltimore 21207, in the Patterson Avenue Community, has been an ongoing problem for years.

Residents of the community have exhausted all known recourses to have such vehicles removed from the neighborhood with minimal success. It is our understanding that parking tractor trailers in residential driveways and/or streets violates the zoning laws.

Reportedly, a variance has been requested by a resident (#96-237-A). Please consider the impositions on the community in terms of property value, desirability, pollution, noise and safety. The needs and rights of the community at large must come before the motives of a few residents intent violating or circumventing the law.

The law forbidding the parking of tractor trailers in residential areas must have addressed the rights and needs of the community. Therefore, granting a variance negates the purpose of the law and serves only to compromise the integrity of the community and may pave the way for more tractor-trailers or oversized vehicles.

Granting a variance sends a clear message that our community integrity, stability and desirability can be compromised by the very agencies created to assure that laws are enforced. If granted, our entire community would be further victimized for the mere convenience of a few residents.

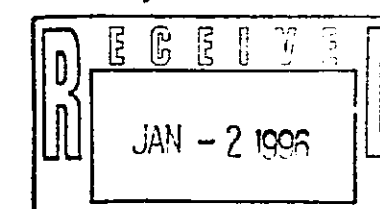
Knowing that community blight starts with resident apathy and non enforcement of laws, we work hard to preserve our community. Please do not blight it by allowing tractor trailers to be parked on the streets or in driveways.

Give the Patterson Avenue community the same consideration you would if this was an issue in some of the counties more affluent areas. We need your support.

Thank you,

Anonymous*
Patterson Avenue Community Residents

*This plea is anonymous out of concern for the safety of the community residents.



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME: Jerry & Janet Brown ADDRESS: 6609 Dalton Dr. Balt. MD. 21207

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

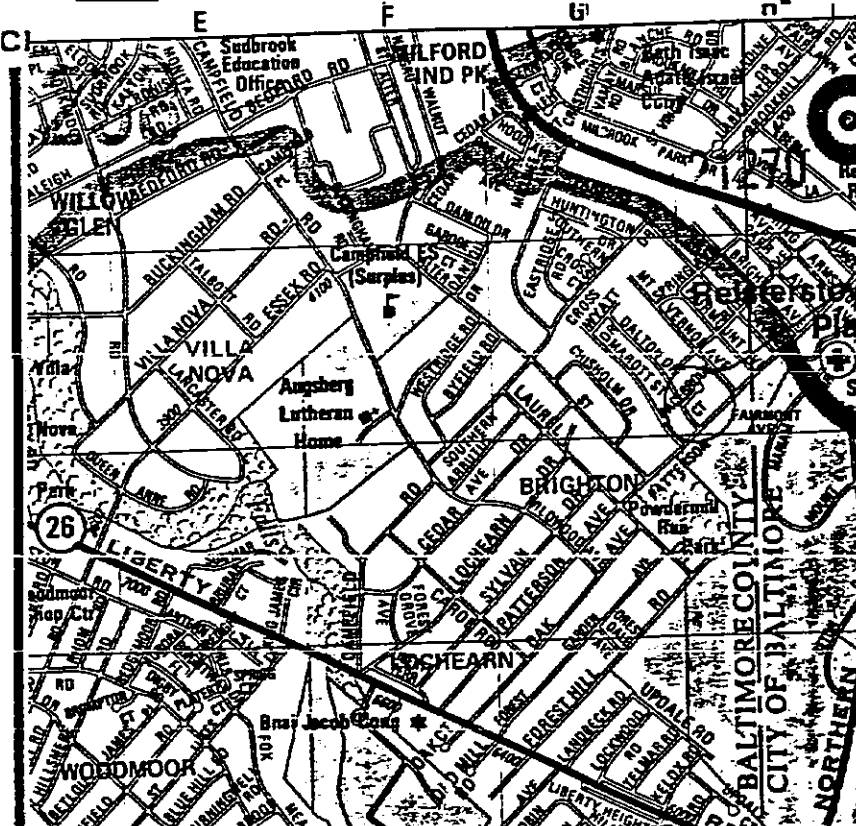
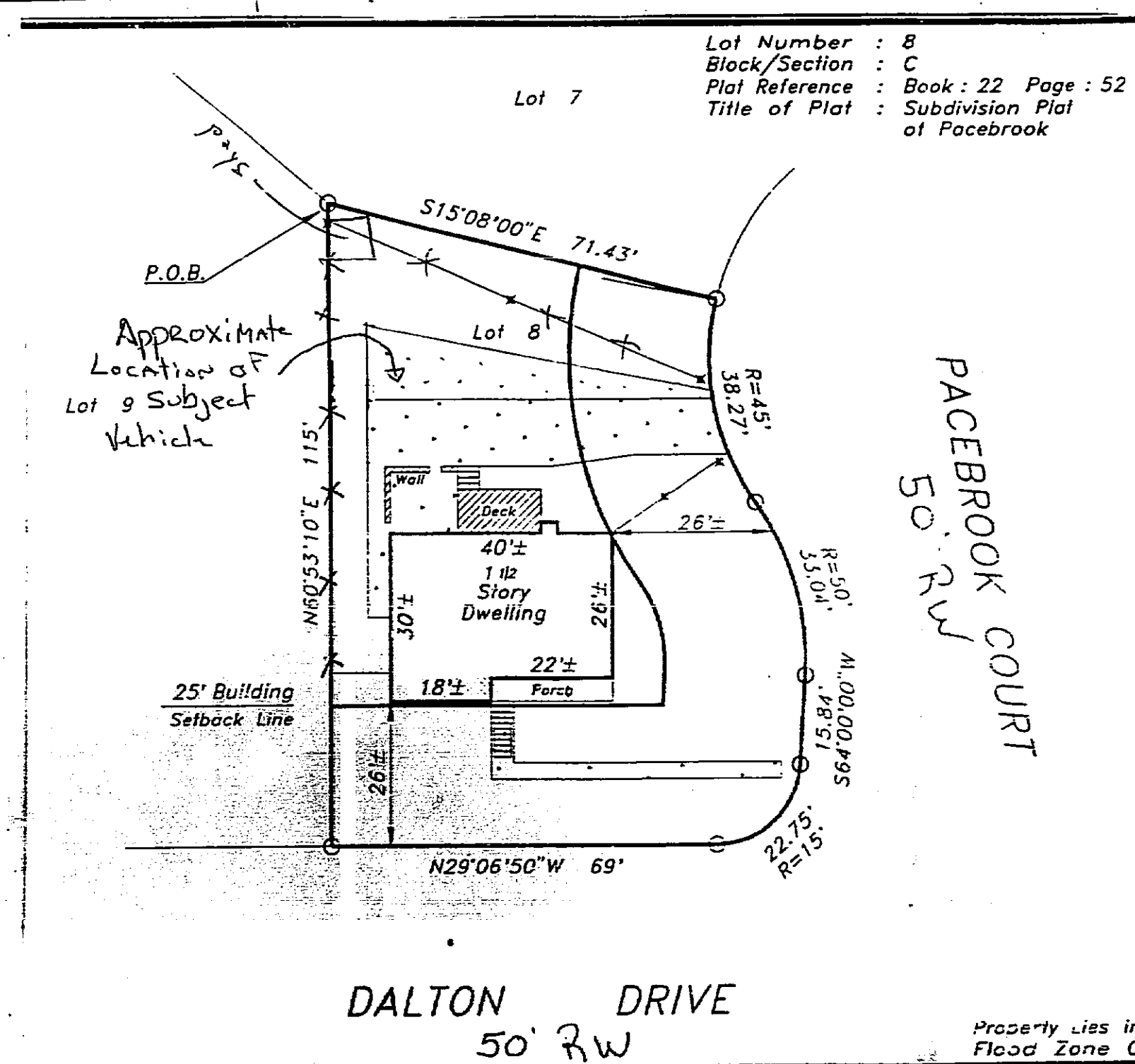
PROPERTY ADDRESS: 6609 DALTON DRIVE

see pages 5 & 6 of the C

Subdivision name: FACEBOOK

plat book# 22, folio# 52, lot# 8, section# C

OWNER: JANET + JERRY BROWN



LOCATION INFORMATION

Election District: 3

Councilmanic District: 2

1"=200' scale map#: NW5-E

Zoning: DR 5.5

Lot size: 7950.00

acreage square feet

SEWER: ☒ public ☐ private

WATER: ☒ public ☐ private

Chesapeake Bay Critical Area: ☐ yes ☐ no

Prior Zoning Hearings: NONE KNOWN

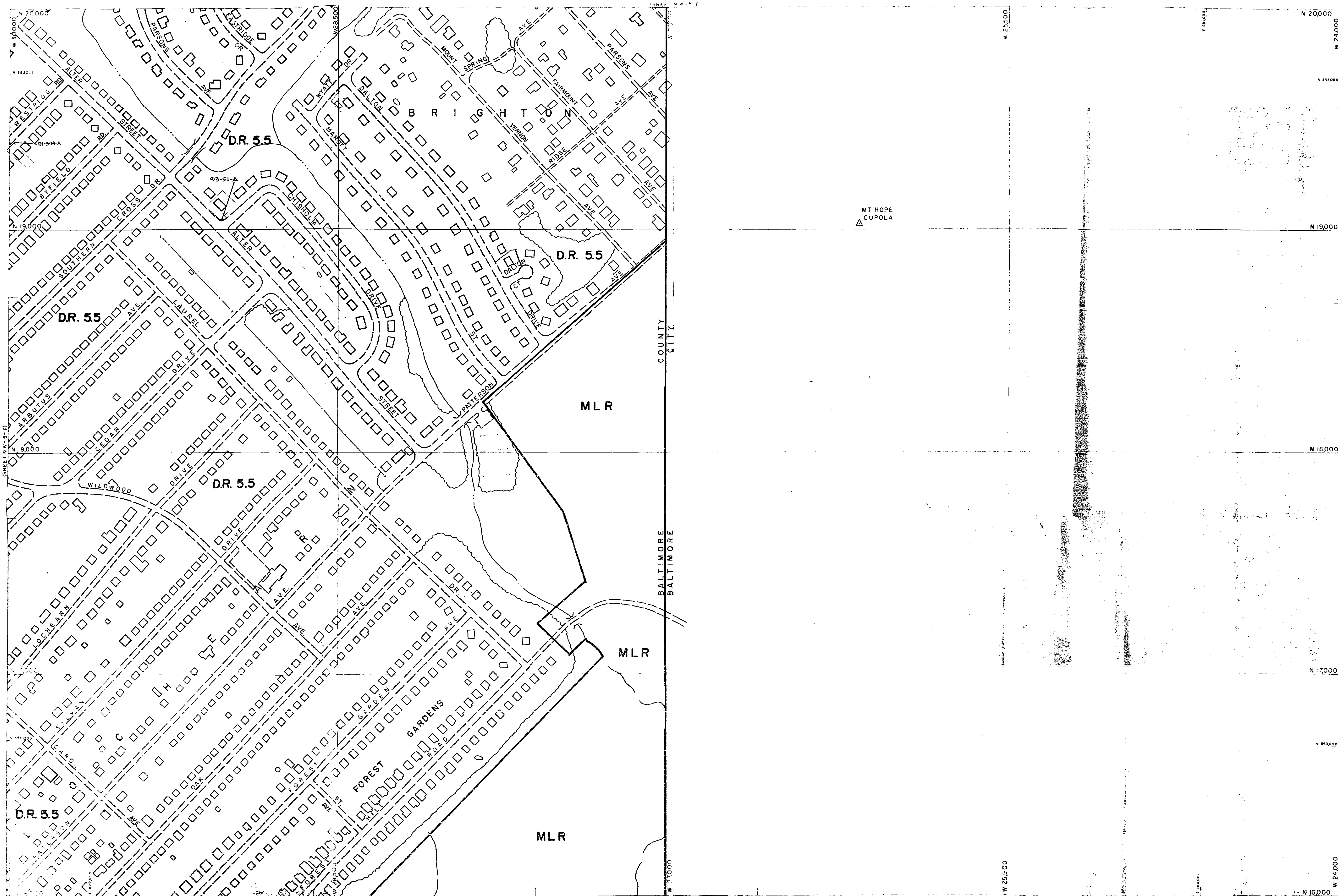
Zoning Office USE ONLY!

reviewed by: CAM ITEM #: 236 CASE#:

photograph

Case #96-237-A





K NW
O SW

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Map Nos. 144-92, 145-92, 146-92, 147-92, 148-92, 149-92, 150-92

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Map Nos. 144-92, 145-92, 146-92, 147-92, 148-92, 149-92, 150-92

William J. Harrell
Chairman, County Council

SCALE
1" = 200'
DATE

LOCATION
LOGHEARN
BRIGHTON

SHEET
N.W.
5-E